



Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Thirteenth Meeting Day

Tuesday Afternoon



February 1, 2005


The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Pastor David Shaddy, St. Paul's Lutheran Church, Indianapolis, the guest of Representative Michael B. Murphy.

The Pledge of Allegiance to the Flag was led by Representative Murphy.

The Speaker ordered the roll of the House to be called:

T. Adams	Klinker
Aguilera	Koch
Alderman	Kromkowski
Austin	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Bauer	J. Lutz
Becker	Mahern
Behning	Mays
Bischoff	McClain
Borders	Messer
Borror	Micon
Bottorff	Moses
Bright	Murphy
C. Brown	Neese
T. Brown	Noe
Buck	Orentlicher
Budak	Oxley
Buell	Pelath 
Burton	Pflum
Cheney	Pierce
Cherry	Pond
Cochran	Porter
Crawford	Reske
Crooks	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin 	Turner
Grubb	Ulmer
Gutwein	VanHaften
E. Harris	Walorski
T. Harris	Welch
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy	Yount
Kersey	Mr. Speaker

Roll Call 66: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

The Speaker introduced his uncle, Harold Bosma, and saluted all the family members and business associates who, like his uncle did for the Speaker's father, stay at home and keep the family and businesses running while members are in Indianapolis.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 25 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 3, 2005 at 1:30 p.m.

MURPHY

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 6

Representatives Budak, Heim, and Pelath introduced House Concurrent Resolution 6:

A CONCURRENT RESOLUTION to honor Jeff and Andrea Mitzner of Wanatah in LaPorte County as recipients of this year's national American Farm Bureau Federation Young Farmer & Rancher Achievement Award.

Whereas, Jeff and Andrea Mitzner, an Indiana farm couple, were announced as the winners of this national award on January 10, 2005 during the Young Farmer awards program at the American Farm Bureau Federation convention in Charlotte, North Carolina;

Whereas, This award is one of the most prestigious awards presented by the American Farm Bureau Federation;

Whereas, Jeff and Andrea Mitzner were selected from a field of 33 state winners from across the country;

Whereas, Jeff and Andrea Mitzner qualified for the national competition by first winning the Indiana Young Farmer Achievement Award during the Indiana Farm Bureau's state convention on December 18, 2004;

Whereas, The Young Farmer Achievement Award recognizes young Farm Bureau members whose farm management techniques and commitment to their community set a positive example for those involved in production agriculture;

Whereas, Jeff and Andrea Mitzner are considered outstanding participants by the American Farm Bureau Federation in agricultural operation growth, financial progress, and leadership within and outside of Farm Bureau;

Whereas, Jeff and Andrea Mitzner are known for being a team both on and off their grain farm in northwest Indiana;

Whereas, Unlike many farmers, Jeff and Andrea Mitzner started their operation on their own without inheriting any land or equipment;

Whereas, Jeff and Andrea Mitzner are tremendous assets to their community and to the State of Indiana as evidenced by their diligence and accomplishment in receiving this award; and

Whereas, According to the American Farm Bureau Federation, the Young Farmer Achievement Award recognizes Jeff and Andrea

Mitzner as young farmers and ranchers who have excelled in their farm operations and have exhibited superior leadership abilities: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the House of Representatives of the General Assembly do honor Jeff and Andrea Mitzner as recipients of this year's national American Farm Bureau Federation Young Farmer & Rancher Achievement Award

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Jeff and Andrea Mitzner.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Heinold and Bowser.

House Concurrent Resolution 7

Representative V. Smith introduced House Concurrent Resolution 7:

A CONCURRENT RESOLUTION celebrating Black History Month.

Whereas, Black history has been celebrated by Americans each year since 1926, first as Negro History Week and later as Black History Month;

Whereas, Blacks have been in America since colonial times, but it was not until the 20th century that they were represented in history books;

Whereas, The celebration of Black History Month and the study of Black history came into being through the efforts of Dr. Carter G. Woodson;

Whereas, Dr. Woodson's parents were former slaves, and he spent his childhood working in the Kentucky coal mines;

Whereas, Dr. Woodson enrolled in high school at age 20, graduated within two years, and went on to earn a Ph.D. from Harvard University;

Whereas, Dr. Woodson was disturbed to find that history books largely ignored the Black American population and only mentioned Blacks in ways that reflected the inferior social position they were assigned at the time;

Whereas, Dr. Woodson began the task of writing Black Americans into the nation's history;

Whereas, Through the efforts of Dr. Woodson, several organizations were established as a way to bring national attention to the contributions of Black people throughout American history including the Association for the Study of Negro Life and History, founded in 1915 (now known as the Association for the Study of African American Life and History), the Journal of Negro History (now known as the Journal of African American History), and in 1926, the establishment of Negro History Week;

Whereas, Woodson chose the second week of February for Negro History Week because it marks the birthdays of two men who greatly influenced the Black American population, Frederick Douglass and Abraham Lincoln;

Whereas, Black History Month, celebrated in February, acknowledges the achievements of Blacks in the military, the arts, civil rights, education, entertainment, history, law, literature, medicine, music, politics, science, sports, and other areas;

Whereas, Black History Month aims to bridge the gap created by American history's failure to accurately acknowledge, portray, and record the contributions and inventions of Blacks; and

Whereas, Black Americans reflect a legacy of courage and dedication that has helped to guide our nation's success and prosperity: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly acknowledges the many contributions and accomplishments of Black Americans throughout the history of the United States and Indiana.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Rogers.

House Resolution 9

Representative Woodruff introduced House Resolution 9:

A HOUSE RESOLUTION to honor the Gibson Southern High School Future Farmers of America/4-H Soil Judging Champions for the State of Indiana.

Whereas, On October 23, 2004, at the Daviess County Fairgrounds in Elnora, Indiana, the Future Farmers of America became the Indiana Future Farmers of America/4-H Soil Judging Champions;

Whereas, With this victory, the Gibson Southern Future Farmers of America, who have advanced to the state finals multiple times in the past 20 years, captured their first ever state championship;

Whereas, The Gibson Southern High School Future Farmers of America will advance to the 54th National Land & Range Judging Contest to participate in the National Soil Judging Competition held May 3-5, 2005 ; and

Whereas, The Gibson Southern Future Farmers of America Admirably have accomplished much this season and will continue to pursue excellence in the national soil judging competition: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the House of Representatives of the General Assembly do honor the Gibson Southern High School Future Farmers of America/4-H Soil Judging Champions for the State of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Andrew Schmitt, President of the Gibson Southern High School Future Farmers of America Chapter Organization.

The resolution was read a first time and adopted by voice vote.

House Resolution 10

Representative Woodruff introduced House Resolution 10:

A HOUSE RESOLUTION to honor and congratulate the Gibson Southern High School Marching Titans for winning the Indiana State School of Music Association Class "C" state marching band championship.

Whereas, On October 23, 2004, at the RCA Dome in Indianapolis, Indiana, the Gibson Southern High School Marching Titans won the Indiana State School of Music Association Class "C" state marching band championship;

Whereas, The Gibson Southern High School Marching Titans were undefeated through their entire season;

Whereas, The Gibson Southern High School Marching Titans won the ISSMA Regional Gold Division title;

Whereas, The Gibson Southern High School Marching Titans took first place in the ISU Midstates competition along with Best Music, Best Visual, Best General Effect, Best Color Guard, and Best Percussion awards;

Whereas, The Gibson Southern High School Marching Titans won the Class "C" Gold Division title at the ISSMA District competition along with the GE, MUSIC, and M & M Caption Awards;

Whereas, The Gibson Southern High School Marching Titans won First Place Class AAA at the Evansville Central Marching Band Invitational 2004 earning Best Percussion and Best Overall Soloist;

Whereas, The Gibson Southern High School Marching Titans won the Class "A" title at the BOA Regional earning Best Music, Best Visual, and Best General Effect Awards;

Whereas, The Gibson Southern High School Marching Titans took first place Class "C" at the F.J. Reitz Marching Band Invitational

winning Best Music, Best Visual, Best General Effect, Best color Guard, and Best Percussion Awards;

Whereas, With the Indiana State School of Music Association, the Gibson Southern High School Marching Titans, who have advanced to the state finals in each of the last ten years, captured the state championship; and

Whereas, With their constant pursuit of excellence the Gibson Southern High School Marching Titans have admirably accomplished this goal: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives do honor the Gibson Southern High School Marching Titans and congratulate for winning the Indiana State School of Music Association Class "C" state marching band championship.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Gibson Southern High School Marching Titans.

The resolution was read a first time and adopted by voice vote.

Representative Woodruff announced that Shirley Robb, the mayor of Princeton, Indiana, had died this morning. The House stood for a moment of silence in honor of Mayor Robb.

Senate Concurrent Resolution 25

The Speaker handed down Senate Concurrent Resolution 25, sponsored by Representatives Lehe, Gutwein, and McClain:

A CONCURRENT RESOLUTION memorializing John Fredrick Salomon.

Whereas, John Fredrick Salomon was born June 24, 1941, and died January 23, 2005, at the age of 63;

Whereas, John Fredrick Salomon, the son of John Fredrick Salomon, Sr. and Sadie Lizzy Sims, spent his entire life in Monticello;

Whereas, After graduating from Monticello High School in 1959, John Fredrick Salomon graduated from Fort Wayne International Business College and enlisted in the Indiana National Guard;

Whereas, Named Soldier of the Year in 1964, John Fredrick Salomon excelled as a marksman by firing a perfect score with an M16 in 1963;

Whereas, John Fredrick Salomon began working at the Heingy Insurance Agency in 1967 and continued working there until his retirement on February 1, 2003, rising from agent to owner;

Whereas, As the "Voice of Twin Lakes" on radio stations WVTL, WWET, and WNJY, John enjoyed broadcasting softball, basketball, and volleyball state finals, announcing for other area schools, and following the Indiana All-Stars athletes;

Whereas, John Fredrick Salomon was recognized as the sportscaster of the year by the Associated Press, United Press International, and the Indiana High School Athletic Association;

Whereas, John Fredrick Salomon received numerous awards recognizing his many contributions to the community, including a Sagamore of the Wabash, the George Spencer Armstrong Award, and the Crystal Apple Award from the Twin Lakes School Corporation;

Whereas, Active in local politics, John Fredrick Salomon served on the Monticello City Council and served as chairman of the White County GOP and the Don Lehe campaign; and

Whereas, John Fredrick Salomon graced the lives of the people of Monticello and surrounding area with warmth, wit, and thoughtful graciousness: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the members of the Indiana General Assembly express their heartfelt sympathy to the family of John Fredrick Salomon and acknowledge his contributions and accomplishments in improving the quality of life for those surrounding him.

SECTION 2. That the Secretary of the Senate transmit copies of this resolution to his wife Donna and his daughters Pamela and Kathryn.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1113, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 17, strike "or added".

Page 2, line 36, delete "from the party filing the civil action" and insert "from:

(1) the party filing the civil action, a service fee of ten dollars (\$10) for each named defendant; or

(2) a party adding a defendant, a service fee of ten dollars (\$10) for each defendant added in the civil action."

Page 2, delete lines 37 through 38.

(Reference is to HB 1113 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 2.

THOMAS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1789, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1794, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

NOE, Vice Chair

Report adopted.

HOUSE BILLS ON SECOND READING

House Bill 1059

Representative Grubb called down House Bill 1059 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1059-1)

Mr. Speaker: I move that House Bill 1059 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law and to make an appropriation.

Page 2, delete lines 25 through 42, begin a new paragraph and insert:

"SECTION 2. IC 13-22-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 7.5. Transportation of Chemical Munitions

Sec. 1. This chapter applies to a person that transports:

(1) a chemical munition referred to in 329 IAC 3.1-6-3, as in effect on January 1, 2005; or

(2) hazardous waste derived from the destruction or treatment of a chemical munition referred to in subdivision

(1).

Sec. 2. (a) Before transporting a substance referred to in section 1 of this chapter, a person must file with the department, state police department, and state emergency management agency the following:

(1) A written transport risk analysis that:

(A) accounts for the type and quantity of hazardous waste to be transported;

(B) identifies each type of incident that could:

(i) occur during the transport; and

(ii) result in harm to the public health or environment;

(C) assesses the likelihood of the occurrence of each type of incident referred to in clause (B);

(D) identifies the magnitude of the potential harm to the public health or environment associated with each type of incident referred to in clause (B); and

(E) is written in a manner understandable to:

(i) the scientific community; and

(ii) the public.

(2) A written transport safety plan that:

(A) is tailored to the risks described in subdivision (1);

(B) demonstrates that the driver of each vehicle to be used in the transport is appropriately trained and licensed;

(C) demonstrates for each part of the transport route that appropriate procedures and facilities will be in place for immediate:

(i) medical response;

(ii) environmental response;

(iii) security response; and

(iv) evacuation of the area; and

(D) provides for submitting notice to the department before the first shipment of each particular chemical munition or hazardous waste described in section 1 of the chapter is transported.

(b) A notice submitted under the transport safety plan provision described in subsection (a)(2)(D) must include the estimated shipment schedule for each chemical munition or hazardous waste for the duration of the transport activity. A person who transports a chemical munition or hazardous waste described in subsection (a) shall immediately notify the department of any major variations from the estimated shipment schedule provided under this subsection.

Sec. 3. (a) A person who transports a substance referred to in section 1 of this chapter shall submit a transportation fee of two hundred dollars (\$200) to the commissioner for each shipment of a substance.

(b) The commissioner shall deposit fees collected under this section in the chemical munitions response fund established in section 4 of this chapter.

Sec. 4. (a) The chemical munitions response fund is established for the following purposes:

(1) Fifty percent (50%) of the money in the fund shall be distributed to counties that contain a hazardous waste facility described in IC 13-22-3-10 that is used for the destruction or treatment of a chemical munition for the following purposes:

(A) To provide appropriate education, training, and equipment to local emergency responders concerning substances referred to in section 1 of this chapter.

(B) To repair and maintain roads used to transport substances referred to in section 1 of this chapter.

(C) To prevent, prepare for, and respond to acts of terrorism involving substances referred to in section 1 of this chapter.

(D) Any other purpose associated with:

(i) the transportation of; or

(ii) public safety issues concerning;

substances referred to in section 1 of this chapter.

(2) Fifty percent (50%) of the money in the fund shall be distributed to state agencies that are involved in the transportation of substances referred to in section 1 of this chapter for the following purposes:

(A) To provide appropriate education, training, and equipment to state emergency responders concerning substances referred to in section 1 of this chapter.

(B) To repair and maintain roads used to transport substances referred to in section 1 of this chapter.

(C) To prevent, prepare for, and respond to acts of terrorism involving substances referred to in section 1 of this chapter.

(D) Any other purpose associated with:

(i) the transportation of; or

(ii) public safety issues concerning;

substances referred to in section 1 of this chapter.

(b) Sources of money for the fund consist of transportation fees deposited under section 3(b) of this chapter.

(c) The department shall administer the fund. Money in the fund is annually appropriated to the department to be used for purposes described in subsection (a).

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(f) Money in the fund at the end of a fiscal year does not revert to the state general fund."

Page 3, delete lines 1 through 32.

(Reference is to HB 1059 as printed January 26, 2005.)

GRUBB

Motion prevailed.

The Speaker announced that House Bill 1059 had been referred to the Committee on Ways and Means, pursuant to House Rule 127.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1032

Representative Heim called down Engrossed House Bill 1032 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 67: yeas 86, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Heinold and Hershman.

Engrossed House Bill 1085

Representative Thomas called down Engrossed House Bill 1085 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 68: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bray.

Engrossed House Bill 1098

Representative Messer called down Engrossed House Bill 1098 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 69: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed

to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon and Simpson.

Engrossed House Bill 1120

Representative Espich called down Engrossed House Bill 1120 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 70: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kenley.

Engrossed House Bill 1141

Representative T. Brown called down Engrossed House Bill 1141 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 71: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Harrison and Bray.

Engrossed House Bill 1165

Representative Messer called down Engrossed House Bill 1165 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 72: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long and Broden.

Engrossed House Bill 1179

Representative Burton called down Engrossed House Bill 1179 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 73: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Lewis.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 5

The Speaker handed down Senate Concurrent Resolution 5, sponsored by Representatives Friend, Grubb, and Whetstone:

A CONCURRENT RESOLUTION to memorialize the life of Harold "Potch" Wheeler, Indiana State Senator from 1983-2002.

Whereas, Senator Harold "Potch" Wheeler was elected to the Indiana Senate on September 14, 1983;

Whereas, For 19 years, the popular senator from Larwill was a strong advocate for his District 17 constituents in Northeastern Indiana;

Whereas, For many years while serving in the Senate, Senator Wheeler was president of his family's well-drilling business, M.C. Wheeler & Sons, Inc., which was founded by his great-grandfather and is carried on today by his son;

Whereas, As Majority Caucus Chairman, Director of Caucus Operations, Chairman of the Committee on Appointments and Claims, and a member of the Legislative Council, Senator Wheeler was a commanding presence in the Senate and made a significant mark on the public policy of Indiana;

Whereas, During his tenure, Senator Wheeler served as the ranking member of the Committee on Natural Resources and as a member of the Pensions and Labor Committee and the Rules and Legislative Procedures Committee;

Whereas, Senator Wheeler was committed to preserving and improving Indiana's invaluable natural resources and furthered this goal by serving as Chairman of a water study committee to protect the state's water resources;

Whereas, Being an avid golfer and fisherman, Senator Wheeler often enjoyed those very natural resources in his spare time outside of the Senate;

Whereas, In honor of his lifetime achievements, a boulder monument was dedicated to Senator Wheeler in an outdoor ceremony at the Pisgah March Wildlife Diversity Area;

Whereas, A portion of State Road 5 was renamed the "Harold H. (Potch) Wheeler Highway" in honor of his retirement from the Senate;

Whereas, From the time he was a freshman senator, Senator Wheeler made a positive impact on his community, his state, and the people around him;

Whereas, Senator Wheeler passed away at the age of 75 after battling multiple myeloma, a form of bone cancer;

Whereas, Senator Wheeler is survived by his wife, Darlene; his children, Johnna, Kim and Tara; seven grandchildren, and two great-grandchildren; and

Whereas, Senator Wheeler was characterized by his wit, charm, integrity, and leadership in the Indiana State Senate and is missed greatly by his fellow Senators and all those who had the honor of working with him: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the members of the Indiana General Assembly memorialize the life of Senator Harold "Potch" Wheeler, a true credit to the institution of the Indiana Senate and a dedicated public servant to the citizens of Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Darlene Wheeler and to each of their children.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1200

Representative Thompson called down Engrossed House Bill 1200 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 74: yeas 86, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed

to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Harrison.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1302

Representative Gutwein called down Engrossed House Bill 1302 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 75: yeas 86, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jackman and Heinold.

Engrossed House Bill 1306

Representative Becker called down Engrossed House Bill 1306 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 76: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and Simpson.

Engrossed House Bill 1335

Representative Budak called down Engrossed House Bill 1335 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 77: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kruse.

Engrossed House Bill 1629

Representative Stevenson called down Engrossed House Bill 1629 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 78: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon, Rogers, and Mrvan.

Engrossed House Bill 1662

Representative Frizzell called down Engrossed House Bill 1662 for third reading:

A BILL FOR AN ACT concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representatives Heim and Turner were excused from voting. Roll Call 79: yeas 89, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the

Senate of the passage of the bill. Senate sponsors: Senators Miller and Breaux.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1134, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 4.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1431, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

HOFFMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1573, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 27, delete "by the lesser of:" and insert "**for all taxing units by one (1).**"

Page 2, delete lines 28 through 30.

Page 4, line 23, delete "under section 7(a) of this chapter." and insert "**by multiplying the previous year's base revenue by one (1).**"

Page 6, between lines 16 and 17, begin a new paragraph and insert: "SECTION 8. IC 9-13-2-92 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 92. (a) "Law enforcement officer", except as provided in subsection (b), includes the following:

- (1) A state police officer.
- (2) A city, town, or county police officer.
- (3) A sheriff.
- (4) A county coroner.
- (5) A conservation officer.

(6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).

(b) "Law enforcement officer", for purposes of IC 9-30-5, IC 9-30-6, IC 9-30-7, IC 9-30-8, and IC 9-30-9, has the meaning set forth in IC 35-41-1."

Page 6, between lines 32 and 33, begin a new paragraph and insert: "SECTION 10. IC 9-13-2-127 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 127. (a) "Police officer" means, except as provided in subsection (b), the following:

- (1) A regular member of the state police department.
- (2) A regular member of a city or town police department.
- (3) A town marshal or town marshal deputy.
- (4) A regular member of a county sheriff's department.
- (5) A conservation officer of the department of natural resources.

(6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).

(b) "Police officer", for purposes of IC 9-21, means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations."

Page 6, line 41, strike "the following:".

Page 6, line 42, strike "(1)".

Page 6, line 42, delete "A" and insert "a".

Page 7, line 2, delete "(2)".

Page 7, line 2, strike "A tractor that is used exclusively for drawing a passenger".

Page 7, strike line 3.

Page 15, line 28, delete "enterprise;" and insert "**enterprise except when the vehicle is being used in for-hire transportation of seasonal, perishable fruit or vegetables to the first point of processing;**".

Page 20, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 35. IC 10-11-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least eleven thousand (11,000) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

- (1) IC 6-1.1-7-10.
- (2) IC 6-6-1.1-1202.
- (3) IC 6-6-2.5.
- (4) IC 6-6-4.1-12.
- (5) IC 8-2.1.
- (6) IC 9-18.
- (7) IC 9-19.
- (8) IC 9-20.
- (9) IC 9-21-7-2 through IC 9-21-7-11.
- (10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.
- (11) IC 9-21-8-45 through IC 9-21-8-48.
- (12) IC 9-21-9.
- (13) IC 9-21-15.
- (14) IC 9-21-21.**
- ~~(14)~~ **(15)** IC 9-24-1-1 through IC 9-24-1-3.
- ~~(15)~~ **(16)** IC 9-24-1-7.
- ~~(16)~~ **(17)** Except as provided in subsection (c), IC 9-24-1-6, IC 9-24-6-16, IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.
- ~~(17)~~ **(18)** IC 9-24-4.
- ~~(18)~~ **(19)** IC 9-24-5.
- ~~(19)~~ **(20)** IC 9-24-11-4.
- ~~(20)~~ **(21)** IC 9-24-13-3.
- ~~(21)~~ **(22)** IC 9-24-18-1 through IC 9-24-18-2.
- ~~(22)~~ **(23)** IC 9-25-4-3.
- ~~(23)~~ **(24)** IC 9-28-4.
- ~~(24)~~ **(25)** IC 9-28-5.
- ~~(25)~~ **(26)** IC 9-28-6.
- ~~(26)~~ **(27)** IC 9-29-5-11 through IC 9-29-5-13.
- ~~(27)~~ **(28)** IC 9-29-5-42.
- ~~(28)~~ **(29)** IC 9-29-6-1.
- ~~(29)~~ **(30)** IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.
- ~~(30)~~ **(31)** IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15."

Renumber all SECTIONS consecutively.

(Reference is to HB 1573 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1777, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-34-8-1, AS AMENDED BY P.L.85-2004, SECTION 15, AND AS AMENDED BY P.L.95-2004, SECTION 3,

IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The following fees and costs apply to cases in the small claims court:

(1) A township docket fee of five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.

(2) The bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service.

(3) The cost for the personal service of process by the bailiff or other process server of thirteen dollars (\$13) for each service.

(4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.

(5) A redocketing fee, if any, of five dollars (\$5).

(6) A document storage fee under IC 33-37-5-20.

(7) An automated record keeping fee under IC 33-37-5-21.

(8) A late fee, if any, under IC 33-37-5-22.

~~(9)~~ *A judicial administration fee under IC 33-37-5-21.2.*

~~(9)~~ **(10)** *A judicial insurance adjustment fee under IC 33-37-5-25.*

(11) A judicial salaries fee under IC 33-37-5-26.

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number."

Page 7, line 26, delete "IC 33-37-1-1," and insert "**IC 33-37-1-1 or IC 33-34,**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1777 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

THOMAS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1802, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 1.

DUNCAN, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Reassignments

The Speaker announced the reassignment of House Bill 1713 from the Committee on Ways and Means to the Committee on Roads and Transportation.

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1134, 1431, 1573, 1777, and 1802 had been referred to the Committee on Ways and Means.

Referrals to Ways and Means withdrawn

The Speaker announced that the referral of House Bill 1326 to the Committee on Ways and Means, pursuant to Rule 127, had been withdrawn.

HOUSE MOTION

Mr. Speaker: I move that Representative Stevenson be added as coauthor of House Bill 1085.

THOMAS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Whetstone be added as coauthor of House Bill 1200.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representative Walorski be added as coauthor of House Bill 1260.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Richardson be added as coauthor of House Bill 1358.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as coauthor of House Bill 1413.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1423.

TURNER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Kuzman and Woodruff be added as coauthors of House Bill 1501.

YOUNT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be added as coauthor of House Bill 1602.

DVORAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Denbo be removed as author of House Bill 1639, Representative J. Lutz be removed as coauthor, Representative J. Lutz be substituted as author, and Representative Denbo be added as coauthor.

DENBO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bischoff be added as coauthor of House Bill 1692.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Becker and Budak be added as coauthors of House Bill 1696.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Mahern be added as coauthor of House Bill 1776.

BUELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Mays be added as coauthor of House Bill 1821.

BUDAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as coauthor of House Bill 1835.

AYRES

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Dodge, the House adjourned at 3:45 p.m., this first day of February, 2005, until Thursday, February 3, 2005, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives